

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
CASE NO. 14 CR 810-10 (CM)

UNITED STATES OF AMERICA

V.

JOSEPH GRAY

ORDER ON MOTION FOR  
REDUCTION IN SENTENCE  
UNDER 18 U.S.C. § 3582(c)(1)(A)  
(COMPASSIONATE RELEASE)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons for a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(1)(A), and after considering the applicable factors set forth in 18 U.S.C. § 3553(a) and the applicable policy statements issued by the Sentencing Commission to the extent they are relevant to whether a deduction is warranted (and, if so, the amount of the reduction),

IT IS ORDERED that the motion is:

☒ GRANTED

☐ The defendant's previously imposed sentence of imprisonment of \_\_\_\_\_ is reduced to \_\_\_\_\_; or

☐ Time served:

- ☐ The defendant is to remain in Bureau of Prisons custody until the defendant's residence can be verified *or* a release plan can be developed. Additional custody shall not exceed \_\_\_\_\_ days unless extended by the Court, or
- ☐ An appropriate release plan is in place and the defendant shall be released immediately.

SUPERVISED RELEASE

- ☐ The defendant's term of supervised release is unchanged.
- ☐ The defendant's term of supervised release is changed from \_\_\_\_\_ to \_\_\_\_\_.
- ☐ The defendant's conditions of supervised release are unchanged.
- ☐ The defendant's conditions of supervised release are modified as follows:

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☐ DEFERRED pending supplemental briefing and/or a hearing. The court DIRECTS the United States Attorney to file a response on or before \_\_\_\_\_, along with all Bureau of Prisons records [medical, institutional, administrative] supporting the approval or denial of this motion.

☐ DENIED after complete review of the motion on the merits.

☐ FACTORS CONSIDERED (Optional)

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☒ DENIED WITHOUT PREJUDICE for failure to exhaust remedies (failure to fully exhaust all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf; the lapse of 30 days from the receipt of such a request by the Warden, whichever is earlier).

Gray filed his motion for compassionate release in this court on April 6, 2020. His motion makes no mention of having sought administrative relief from the Bureau of Prisons on compassionate release grounds. However, the Government in its response to the motion says that it learned that Gray had indeed made a request for compassionate relief in an email to the Warden on March 27, 2020; the Government attached the email as an exhibit to its opposition papers. Thus, Gray filed his motion in this Court prior to receiving a decision from the warden or the lapse of 30 days from the warden's receipt of his request.

Accordingly, the motion is denied without prejudice. Defendant may file again with this court after he has received a decision from the warden or after the lapse of 30 days, with no decision from the warden.

IT IS SO ORDERED.

4/22/2020  
DATE

  
UNITED STATES DISTRICT JUDGE